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SENSITIVE
SIPDIS, FOR THE AMBASSADOR FROM THE SECRETARY

E.O. 12958: N/A
TAGS: [PHUM](#) [PREL](#) [KISL](#) [KDEM](#) [PGOV](#) [OPDC](#)
SUBJECT: FORWARD THINKING TO NEGATE "DEFAMATION OF
RELIGION" IN THE UN (S/ES: 200922459)

1.(U) This is an action message. See Paragraph 6.

12. (SBU) I am increasingly concerned by the persistent efforts by members of the Organization of the Islamic Conference (OIC) and members of the African Group in the United Nations to adopt resolutions and promote UN initiatives that would place unacceptable restrictions on freedom of expression and religion in order to prevent and punish the "defamation of religions." This push has resulted in multiple resolutions at the UN General Assembly, the UN Human Rights Council (HRC), and in a working group of the HRC that grew out of the Durban conference where some members have specifically set out to create a new treaty that would codify "defamation of religions," and therefore would ban free speech.

OIC countries cite post-9/11 discrimination against Muslims in Europe and the United States, including such episodes as the Danish cartoon controversy, as the primary reason for their efforts to ban speech deemed offensive. In addition to restricting speech, efforts to codify the "defamation of religions" concept can undermine free exercise of religion, as religious minorities or dissidents can be targeted for "defaming" religion, if their interpretation of religion varies from the one embraced by a majority or the politically powerful.

¶3. (SBU) Such efforts, however, run contrary to the First Amendment to the U.S. Constitution, basic American values, and rights enshrined in the Universal Declaration of Human Rights. They also serve as a regrettable distraction from the compelling need for more liberty and freedom of expression in the very countries that are the most vociferous proponents of such restrictions. As such, the defamation of religions lobby in the UN has posed a significant and growing threat to universally enshrined human rights.

¶4. (SBU) As a result, I am determined to bring an end to the escalation of this no-win debate and to forestall a divisive battle over a proposed new treaty. Building on the President's historic speech in Cairo and the promise of a new direction in our foreign policy, the recent joint Egypt-U.S. Freedom of Expression and Opinion resolution adopted by broad consensus in September at the HRC, and our recent submission of an Action Plan in Geneva (see para 5), our strategy is to give governments that sincerely care about the treatment of Muslims and other religious minorities throughout the world a vehicle for making real, concrete progress in combating racial and religious discrimination and intolerance. In return, we would expect them to cease supporting the efforts by a few strong opponents in all UN fora to suppress the freedoms of expression and religion for the purpose of prohibiting

"defamation of religions." By so doing, we would seek to deprive those who promote restrictions on freedom of expression and of religion of the critical mass of international support needed to continue pressing their case.

¶5. (SBU) We proposed, last month in Geneva, an "Action Plan to Combat Racial and Religious Discrimination and Intolerance," which provides concrete, serious steps that UN Member States could adopt to fight racial and religious intolerance without any new treaties or compromise of freedom of expression and religion. Our aim is to use this plan as a starting point for a resolution at the upcoming March session of the HRC on countering racial and religious discrimination. The draft Action Plan is available at <http://geneva.usmission.gov>. Our intention is to use our proposed Action Plan as a starting point for discussions with countries that are serious about taking concrete and practical steps to implement measures to combat discrimination and intolerance.

¶6. (SBU) ACTION REQUEST: To help my "defamation of Religion" working group finalize our diplomatic strategy, I ask that you provide, by December 21, your personal recommendation for a strategy to successfully engage your country of assignment to cease supporting the "defamation of religions" proposal and instead back a U.S. initiative at the UN Human Rights Council along the lines of our Action Plan.

¶7. (SBU) Some questions to consider in preparing your response: Are there particular countries or blocs that they are likely to follow in this debate? Are there areas of leverage in the bilateral relationship that might help sway them? Are there particular individuals, groups, or bodies that hold heavy sway on government decision-making in this area? Are there particular concerns your country of assignment has in the context of these debates or arguments that may resonate? Who within the Foreign

Ministry might be especially helpful? In suggesting strategy, you should recommend how and at what level we might engage your country of assignment on this issue -- whether by U.S. executive or legislative branch (members of Congress have taken an interest in this issue) interlocutors -- and what arguments, incentives or linkages, within reason, would be necessary to achieve the desired result. Do local human rights NGOs in your country follow what is going at the UN? Could they influence host country's behavior?

18. (U) Thank you in advance for your insights.
CLINTON